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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,955	06/09/2004	Wen-Tso Tseng	12257-US-PA	3954
31561	7590	02/17/2006	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			PRITCHETT, JOSHUA L	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/709,955

Applicant(s)

TSENG ET AL.

Examiner

Joshua L. Pritchett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11, 12, 14-16, 18-23, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Yano (US 2003/0197931).

Regarding claims 1 and 18, Yano discloses a telescope comprising a first monocular (Fig. 1) having a first object lens (L1) and a first eyepiece (L2); a second monocular having a second object lens and a second eyepiece (para. 0032); an image-recording device (31) disposed between the first monocular and the second monocular (Fig. 1); a first optical-switching component (21) disposed between the first object lens and the first eyepiece for deflecting an incident light beam from the first object to the first eyepiece or the image-recording device (Fig. 1).

Regarding claims 2-5, 19 and 20, Yano discloses the first object lens comprises a lens group (L1) and the first eyepiece lens comprises a lens group (L2). Yano further discloses the second monocular having the same set up as the first monocular (para. 0032).

Regarding claims 6, 7 and 21, Yano discloses the first monocular further comprises a first prism (P) disposed between the first object lens and the first eyepiece (Fig. 1). Yano further discloses the second monocular having the same set up as the first monocular (para. 0032).

Regarding claims 8 and 22, Yano discloses the image-recording device comprises an image-capturing device (35); a lens assembly wherein the lens assembly (23 and 33) and the image-capturing device are disposed along the optical path behind the first optical-switching component and the lens assembly is disposed between the first optical switching component and the image-capturing device (Fig. 1).

Regarding claims 9 and 23, Yano discloses the image-capturing device comprises a charge-coupled device (para. 0031).

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Regarding claims 11, 12, 15, 16, 25 and 26, Yano discloses the first optical switching component comprises a rotatable reflector (para. 0037). Yano further discloses the second monocular having the same set up as the first monocular (para. 0032).

Regarding claim 14, Yano discloses the telescope further comprises a second optical-switching component disposed between the second object lens and the second eyepiece for deflecting an incident light beam from the second object lens to the second eyepiece or the image-recording device (para. 0032).

Claims 1-3, 6, 8-10 and 18-24 rejected under 35 U.S.C. 102(e) as being anticipated by Hammond (US 2003/0128426).

Regarding claims 1 and 18, Hammond discloses a telescope comprising a first monocular (12) having a first object lens (20) and a first eyepiece (32); a second monocular (14) having a second object lens (22) and a second eyepiece (34); an image-recording device (70) disposed between the first monocular and the second monocular (Fig. 1); a first optical-switching component (154) disposed between the first object lens and the first eyepiece for deflecting an incident light beam from the first object to the first eyepiece or the image-recording device (Figs. 7 and 8).

Regarding claims 2, 3, 19 and 20, Hammond discloses the first object lens comprises a lens group and the first eyepiece lens comprises a lens group (Fig. 3).

Regarding claims 6 and 21, Hammond discloses the first monocular further comprises a first prism (24a and 24b) disposed between the first object lens and the first eyepiece (Fig. 4).

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Yano further discloses the second monocular having the same set up as the first monocular (para. 0032).

Regarding claims 8 and 22, Hammond discloses the image-recording device comprises an image-capturing device (70); a lens assembly wherein the lens assembly (60) and the image-capturing device are disposed along the optical path behind the first optical-switching component and the lens assembly is disposed between the first optical switching component and the image-capturing device (Fig. 7).

Regarding claims 9 and 23, Hammond discloses the image-capturing device comprises a charge-coupled device (para. 0006).

Regarding claims 10 and 24, Hammond discloses the image-recording device further comprises a reflector disposed along the optical path between the first optical switching component and the image-capturing device (Figs. 9 and 10).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 17 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Yano (US 2003/0197931).

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Yano teaches the invention as claimed but lacks reference to the use of a dichroic mirror or polarizing beam splitter. Yano teaches multiple elements capable of acting as a beam splitter as shown in Figs. 1-4 each of which show a different type of beam splitter. It is extremely well known in the art to use dichroic mirrors or polarizing beam splitters to split a light beam into two directions. Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the beam splitting element of Yano be either a dichroic mirror or a polarizing beam splitter for the purpose of separating the light based on polarization, which is capable of eliminating some glare seen by the observer through the binocular system.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLP *W*



**DREW A. DUNN**  
**SUPERVISORY PATENT EXAMINER**